

SECTION III—REMARKS

This amendment is submitted together with a Request for Continued Examination (RCE) in response to the final Office Action mailed 9 June 2008. Claims 31 and 34 are amended and new claims 36-38 are added. Claims 31 and 33-38 remain pending in the application. Applicants respectfully request reconsideration of the application and allowance of all pending claims in view of the above amendments and the following remarks.

Claim Objections

The Examiner objected to claim 34 because it depends from claim 32, which was canceled in a previous amendment. Applicants have amended claim 34 so that it now depends from dependent claim 33. Applicants respectfully submit that this overcomes the Examiner's objection.

Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 31 and 33-35 as anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 5,761,037 to Anderson *et al.* ("*Anderson*"). Applicants respectfully traverse the Examiner's rejections. A claim is anticipated only if each and every element, as set forth in the claim, is found in a single prior-art reference. MPEP § 2131; *Verdegaal Bros. v. Union Oil of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). For at least the reasons explained below, *Anderson* cannot anticipate these claims because it does not disclose every element and limitation recited therein.

Claim 31, as amended, recites an evaporator combination including:

a base configured to be thermally coupled to a semiconductor heat source, the base including a cavity

defined by a bottom and a peripheral portion around the perimeter of the bottom;

a top cover secured to the peripheral portion of the base so as to define a sealed volume in which a working fluid is vaporized;

a liquid inlet port to receive the working fluid in a liquid state, operatively coupled to the sealed volume;

a vapor outlet port from which the working fluid exits the evaporator in a vapor state, operatively coupled to the sealed volume;

a plurality of structural elements formed in the bottom or the top cover, wherein the plurality of structural elements prevent the sealed volume from collapsing when the evaporator is operated such that evaporation of the working fluid occurs under sub-atmospheric conditions; and

a wicking structure, disposed within a portion of the cavity, having a top surface on which a meniscus of the working fluid is formed and a bottom surface into which the working fluid is drawn through a capillary mechanism and a pressure differential between a pressure of the working fluid in the meniscus and a pressure of vaporized working fluid in the sealed volume.

(italics added). As shown in figures 1 and 2, *Anderson* discloses an orientation-independent evaporator with a housing made up of a thermal contact surface 104 and a cap 105 (col. 3, lines 46-56). A wicking layer 103 and a wick member 102 are disposed within the housing (col. 4, lines 12-16). The Examiner alleges that wick member 102 corresponds to the claimed plurality of structural elements, but *Anderson* discloses that wick member 102 is a completely separate element from contact surface 104 or cap 105 rather than a feature formed in surface 104 or cap 105. *Anderson* therefore cannot disclose, teach or suggest an evaporator combination including “a plurality of structural elements formed in the bottom or the top cover,” meaning that *Anderson* cannot

anticipate the claim. Applicants respectfully submit that claim 31 is therefore in condition for allowance.

Regarding claims 33-38, if an independent claim is allowable then any claim depending therefrom is also allowable. *See generally* MPEP § 2143.03; *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). As discussed above, claim 31 is in condition for allowance. Applicants submit that claims 33-38 are therefore allowable by virtue of their dependence on an allowable independent claim, as well as by virtue of the features recited therein. Applicants therefore respectfully request withdrawal of the rejections and allowance of these claims.

Conclusion

Given the above amendments and accompanying remarks, all claims pending in the application are in condition for allowance. If the undersigned attorney has overlooked a teaching in any of the cited references that is relevant to allowance of the claims, the Examiner is requested to specifically point out where such teaching may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (206) 292-8600.

Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

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Date: 08 Sept. 2008

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